IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

U.S. COMMODITY FUTURES TRADING COMMISSION,

Plaintiff,

CIVIL ACTION NO. 1:10-cv-00385-SS

v.

RICHARD D. THEYE; and MICIND CAPITAL MANAGEMENT, INC.

Defendants.

RECEIVER'S ANNUAL ACCOUNTING OF DISBURSEMENTS

TO: UNITED STATES DISTRICT COURT CLERK:

Kelly M. Crawford, as the court-appointed Receiver, submits the following annual accounting of disbursements for 2014, respectfully showing as follows:

- 1. Pursuant to the Amended Final Judgment entered against Defendant Richard Donald Theye on January 24, 2011 in *United States of America v. Richard Donald Theye*, Criminal No. A-10-CR-346 [Docket No. 44], with respect to Defendant Theye's restitution obligation, the judgment provides that: "The Receiver shall make and file with the United States District Court Clerk in Austin, Texas an annual accounting of all disbursements of funds collected by the Receiver in the CFTC action and disburse[d] to the Victims, with the first such accounting due on or before January 2, 2012."
- 2. On December 20, 2011 [Docket No. 78] the Receiver filed his first accounting. On May 4, 2012, the Court entered an Order approving the Receiver's final accounting [Docket No. 85]. Since that time there have been no further distributions to the Victims. However, the

Receiver continued to collect settlement payments from Aldrich Famisaran and Angel DeMola

totaling \$10,521.93 that were deposited into the receivership account. In addition, the Receiver

received a payment in full of \$1,105.81 for a judgment obtained against Sergio Ruiz. These

monies were deposited into the trust account of the Receiver's law firm. On January 15, 2015,

the Receiver tendered a check to the Clerk of the United States District Court for the Western

District of Texas in the amount of \$11,627.74, representing all monies in possession or control of

the Receiver. In addition, the Receiver assigned the unsatisfied settlement agreements and

judgments payable to the Clerk. By letter dated January 15, 2015 the Receiver directed obligors

under the settlement agreements to make all future settlement payments to the Clerk.

Accordingly, the Receiver closed the receivership account and does not anticipate receiving any

future sums in this action.

Respectfully submitted January 15, 2015.

RECEIVER KELLY M. CRAWFORD

/s/ Kelly M. Crawford

Kelly M. Crawford, Receiver

State Bar No. 05030700

Scheef & Stone, LLP

500 N. Akard Street, Suite 2700

Dallas, Texas 75201

Telephone: 214.706.4200

Telecopier: 214.706.4242

PAGE 2

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 15, 2015, I electronically filed the foregoing document with the clerk of the U.S. District Court, Western District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the following attorneys of record:

James W. Deacon

Commodity Futures Trading Commission

1155 21st Street, NW Washington, DC 20581 Tele: 202-418-5000

Fax: 202-418-5531

Email: JDeacon@cftc.gov

Attorneys for CFTC

Charlene C. Koonce Scheef & Stone, L.L.P.

500 N. Akard Street, Suite 2700

Dallas, Texas 75201 Tele: 214-706-4200 Fax: 214-706-4242

Email: Charlene.Koonce@SolidCounsel.com

Attorneys for Receiver

I further certify that on this 15th day of January, 2015, I served a true and correct copy of the foregoing by sending it by electronic mail or first class mail to the persons listed below:

Kathleen M. Banar

Commodity Futures Trading Commission

1155 21st Street, NW Washington, DC 20581 Tele: 202-418-5000

Fax: 202-418-5531
Email: KBanar@cftc.gov
Attorneys for CFTC

Kathi West

Assistant US Attorney

United States Attorney's Office

Western District of Texas, Austin Division

816 Congress Avenue, Suite 1000

Austin, Texas 78701

Email: Kathi. West@usdoj.gov

Mark Lane

Senior Litigation Counsel

United States Attorney's Office

Western District of Texas, Austin Division

816 Congress Avenue, Suite 1000

Austin, Texas 78701

Email: Mark.Lane@usdoj.gov

Jessee Shifflett

United States Probation Office

Western District of Texas, Austin Division

903 San Jacinto Boulevard, Suite 121

Austin, Texas 78701

Email: Jessee Shifflett@txwp.uscourts.gov

William C. McMurrey, Esq.

Bracewell & Giuliani, LLP

1445 Ross Avenue, Suite 3800

Dallas, Texas 75202-2711

Email: Bill.McMurrey@bgllp.com

Criminal Attorney for Theye

Richard D. Theye

Lompoc FCI

Inmate # 62095-280

3600 Guard Road

Lompoc, CA 93436

Email: rtheye@gmail.com

PRO SE

Via First Class Mail

/s/ Kelly M. Crawford

KELLY M. CRAWFORD